

67.014-008

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Applicant is especially grateful for the indication of allowable subject matter.

Applicant respectfully traverses the rejections based upon the *Joyner, et al.* reference. That reference does not constitute prior art under 35 U.S.C. §102(e) because it was not filed before the invention of Applicant. As indicated in the Declarations of Robert Bailey and Raymond Ormacheca submitted with this Response, Applicant had reduced the claimed invention of this application to practice prior to the October 9, 2002 filing date of the *Joyner, et al.* reference. Accordingly, that reference does not constitute prior art and all claims are allowable.

With respect to claim 13, Applicant respectfully submits that claims 6 and 13 are substantially different. Claim 6, for example, includes a controller that communicates with position indicators but does not recite a controller that controls the biasing members. Claim 13, on the other hand, recites a controller that controls the biasing force of the recited biasing members but does not recite a controller that communicates with the position indicators. As the controllers in claims 6 and 13 are not necessarily the same, the two claims should not be considered substantial duplicates of each other. Applicant respectfully submits that this entire case is in condition for allowance.

Claims 17-20, which were withdrawn from consideration, have been cancelled above.

Applicant believes that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's

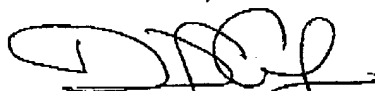
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representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant hereby petitions to extend the time for filing a response to the Office Action mailed April 26, 2005 for one month, the period to end on August 26, 2005. Applicant believes that additional fees in the amount of \$120.00 are required for a one month extension of time. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds in the amount of \$120.00, as well as for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

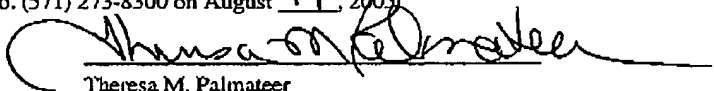


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Dated: August 17, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this Response relative to Application Serial No. 10/762,707 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on August 17, 2005.


Theresa M. Palmateer

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